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10/773,474	02/05/2004	Nafea Bishara	MP0303	7034
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HARNESS, DICKEY & PIERCE P.L.C. 5445 CORPORATE DRIVE SUITE 200 TROY, MI 48098			EXAMINER CHO, HONG SOL	
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			2616	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/773,474

Applicant(s)

BISHARA, NAFEA

Examiner

Hong Cho

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-76 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-16, 18-26, 28-36, 38-46, 48-56 and 58-76 is/are rejected.
- 7) ☒ Claim(s) 7, 17, 27, 37, 47 and 57 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 101***

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 59-76 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. A computer program is a non-statutory subject matter.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102(e) that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-6, 9, 11-16, 18-26, 29, 31-36, 38-46, 49, 51-56 and 58-64, 67, 69-74 and 76 are rejected under 35 U.S.C. 102(e) as being anticipated by Ambe et al (US 7099317), hereinafter referred to as Ambe.

Re claims 1, 21, 41 and 59, Ambe discloses a switch with a plurality of ports to receive Ethernet packets (figure 1; column 5, lines 30-35). Ambe discloses an address resolution logic determining egress ports based on a source IP (Internet protocol) address and a destination IP address (*a data-link layer switch controller selecting a port based on an IP multicast destination address and an IP source address to transmit the Ethernet packet*, column 3, lines 36-40).

Re claims 2, 22, 42 and 60, Ambe discloses searching an IP multicast table with source IP address, multicast IP address and VLAN ID (virtual LAN (local area network) identifier) (*selecting a port based on an IP multicast destination address, an IP source address and VLAN ID*, column 21, lines 50-52).

Re claims 3, 23, 43 and 61, Ambe discloses an IP multicast table with IP addresses and ports (*a memory to store associations between IP addresses and the ports*, column 21, lines 1-4) and determining the egress port based on a source IP address and a destination IP address in the table (*to select the one or more of the ports based on the associations stored in the memory*, column 21, lines 5-7; lines 12-14).

Re claims 4, 24, 44 and 62, Ambe discloses searching the IP multicast table to find a entry with a given source IP address and destination IP address (*to identify one of the associations stored in the memory based on the IP multicast destination address and the IP source address*, column 21, lines 12-14) and forwarding the packet to egress ports if the entry is found (*to confirm the association is an association between an IP address and ports*, column 21, lines 21-22; 33-34).

Re claims 5, 25, 45 and 63, Ambe discloses searching the IP multicast table with key based on source IP address and destination IP address (*to generate a key based on the IP multicast destination address and the IP source address and identifying the one of the associations based on the key*, column 21, lines 12-14).

Re claims 6, 26, 46 and 64, Ambe discloses the IP multicast table associating IP addresses and egress ports (*to determine whether the association is marked as an IP multicast association*, column 21, lines 1-4).

Re claims 9, 29, 49 and 67, Ambe discloses sending the IP multicast packet to CPU if the entry is not found (*when one of the associations is not identified, transmit the Ethernet packet from ports as destination unknown*, column 21, lines 14-15).

Re claims 19 and 39, Ambe discloses a switch-on-chip configuration (*an integrating circuit comprising an apparatus*, column 5, lines 15-16).

Re claims 20 and 40, Ambe discloses an Ethernet gigabit switch (column 5, lines 30-31).

Re claims 11, 12, 31, 32, 51, 52, 69 and 70, Ambe discloses an address resolution logic determining egress ports based on MAC (media access control) destination address and VLAN ID (*a data-link layer switch controller selecting a port based on MAC address and VLAN ID to transmit the Ethernet packet*, column 3, lines 34-36).

Re claims 13, 33, 53 and 71, Ambe discloses multicast table with MAC addresses and ports (*a memory to store associations between IP addresses and the ports*, column 3, lines 34-36) and determining the egress port based on the association between MAC

address and a port in the table (*to select the one or more of the ports based on the associations stored in the memory*, column 12, lines 29-32).

Re claims 14, 34, 54 and 72, Ambe discloses searching the multicast table to find an entry with a given MAC address (*to identify one of the associations stored in the memory based on the MAC destination address*, column 12, lines 21-23) and forwarding the packet to egress ports if the entry is found (*to confirm the association is an association between a MAC address and ports*, column 12, lines 30-32).

Re claims 15, 35, 55 and 73, Ambe discloses searching the multicast table with key based on MAC destination address (*to generate a key based on the multicast destination address and identifying the one of the associations based on the key*, column 12, lines 21-23).

Re claims 16, 36, 56 and 74, Ambe discloses the multicast table associating a MAC address and egress ports (*to determine whether the association is marked as a MAC multicast association*, column 12, lines 21-23; lines 30-32).

Re claims 18, 38, 58 and 76, Ambe discloses an IP multicast table (*a bridge table*) with IP addresses and ports (*a memory to store a bridge table with IP addresses and the ports addressable by a key*, column 21, lines 1-4) and determining the egress port based on a source IP address and a destination IP address in the table (*to select the one or more of the ports based on the IP multicast destination address and the IP source address*, column 21, lines 5-7; lines 12-14). Ambe further discloses multicast table with MAC addresses and ports (*a memory to store associations between IP addresses and the ports*, column 3, lines 34-36) and determining the egress port based on the association between

MAC address and a port in the table (*to select the one or more of the ports based on the associations stored in the memory, column 12, lines 29-32*).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
6. Claims 8, 10, 28, 30, 48, 50, 66 and 68 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ambe in view of Nozaki et al (US 6950431), hereinafter referred to as Nozaki.

Re claims 8, 10, 28, 30, 48, 50, 66 and 68, Ambe discloses searching the IP multicast table to find an entry with a given source IP address and destination IP address (*to identify one of the associations stored in the memory based on the IP multicast destination address, column 21, lines 21-22; 33-34*), but fails to disclose generating a message requesting the creation of an association for the IP multicast address and the IP source address when there is no match. Nozaki discloses creating a new entry with an IP multicast address and an IP source address (column 12, lines 3-5). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Ambe to implement the feature of registering new entry into the IP

multicast table for the benefit of faster processing of a multicast packet since a given multicast packet would be distributed to egress ports without going through the process of address learning again.

***Allowable Subject Matter***

7. Claims 7, 17, 27, 37, 47, 57, 65 and 75 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hong Cho whose telephone number is 571-272-3087. The examiner can normally be reached on Mon-Fri during 7 am to 4 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wing Chan can be reached on 571-272-7493. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you



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have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

hc

Hong Cho  
Patent Examiner  
6/13/07